

Remarks

Claims 1 and 3-7 are pending in the application. Claims 1 and 3-7 are rejected. Claim 2 was cancelled previously. The rejections are respectfully traversed.

Independent claims 1, 6 and 7 are rejected under 35 U.S.C 103(a) as being unpatentable over Hertz (WO 00/65517) in view of Pitroda (U.S. Patent 5,590,038).

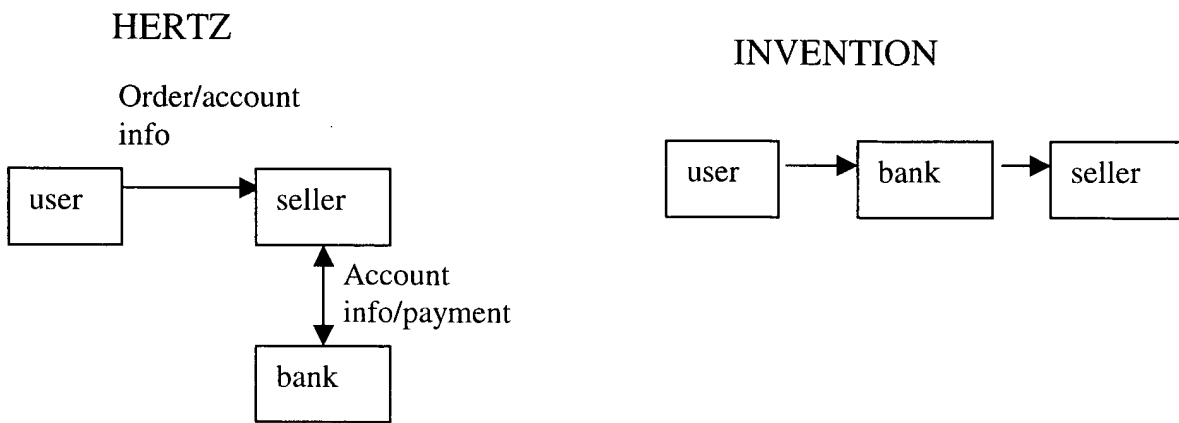
The invention specifies a commercial transaction in a personal access module according to a user profile that is generated and updated using a mobile agent. The commercial transaction is received in a personal access link configured to operate according to the user profile, and forwarded to a financial institution system, depending on the user profile. The commercial transaction is then forwarded from the financial institution system to a selected merchant system depending on the user profile and the commercial transaction.

The commercial transaction itself is specified according to a user profile generated and updated using a mobile agent, the commercial transaction is received in a personal access link configured to operate according to the profile determined by the user using a mobile agent, and the user profile generated and updated using a mobile agent determines the

forwarding of the commercial transaction to the financial institution and the selected merchant.

The buyer (user) has no direct contact with the seller (merchant). Instead, the user/buyer tells a financial institution (bank) what to buy, how to pay for it, and where to ship it. The bank places the order with the seller, indirectly pays for the order, and instructs the seller where to ship the order - all without revealing who the buyer is to the seller. The seller/vendor/merchant never knows who placed the order and how it was paid for. The seller only interacts with the financial institution.

Hertz is different than what is claimed. In Hertz, the consumer (user) places an order *directly with the seller of goods* (selected merchant), see, page 2, lines 20-28. The user in Hertz forwards account information to the seller. What is claimed is forwarding the commercial transaction to a financial institution system depending on the profile determined by the user and forwarding the commercial transaction from the financial institution system to a selected merchant system, see below:



It appears that the Examiner has failed to acknowledge the explicit claim language in claim 1, “forwarding the commercial transaction from the financial institution system to a selected merchant,” claim 6, “a selected merchant system for receiving commercial transaction from the financial institution system,” and claim 7, “forwarding the commercial transaction from the financial institution system to a merchant system without direct contact between the personal computer and the merchant system.” The Examiner is requested to specifically point out where Hertz describes the particular interaction between user, financial institution, and merchant, as claimed, or withdraw the rejection based on Hertz.

Pitroda cannot cure the defects of Hertz. Pitroda describes a universal electronic transaction card (UET). The UET is basically a personal digital assistant which “comprises housing means adapted to fit in a pocket or a purse which houses inputting means, memory means, communications means, display means, and processing means.” See col. 3, lines 34-36. It appears that the Examiner has misinterpreted the meaning of “mobile agent.” Pitroda’s UET might function as a personal access module, but never a mobile agent. “Mobile agent” is explicitly defined in the specification, and the novel use of a mobile agent to construct a user profile as claimed distinguishes over the cited references.

Further, at col. 2, line 44 – col. 3, line 3, cited by the Examiner, Pitroda describes the UET communicating directly with providers of services, including retail, and insurance. This is clearly not what is claimed. Again, the invention does not allow personal access devices to communicate

directly with merchants. The Examiner is requested to reconsider and withdraw his rejection based in Hertz and Pitroda.

It is further respectfully submitted that the applied combination of art also lacks numerous features recited in the pending depending claims. For example, claim 3 requires the personal access module identifies the user and a method of payment. Nowhere does Hertz describe the PAM identifying the user and method of payment as claimed. Hertz, at page 2, lines 3-9 and page 4, lines 15-24 describes the account owner providing identification information to an account manager from a user terminal. This is not the personal access module identifies the user and a method of payment as claimed.

Claim 4 requires that the personal access link is a web site operated by the financial institution system. However, the personal access link as claimed receives commercial transactions and is configured to operate according to a profile determined by the user. Hertz describes none of what is claimed here. In fact, Hertz, at page 4, lines 15-24, teaches that “transactions can be consummated through Internet sites of sellers.” This, again, is exactly the type of system that is **not** desired by the user of the present invention.

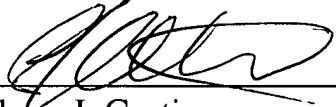
Claim 5 requires the financial institution system is coupled to a plurality of merchant systems. As discussed with respect to claim 4, Hertz describes the user consummates transactions directly with sellers. The account manages

described in Hertz is not coupled to a plurality of merchant systems as claimed. The claimed coupling is of a form whereby the commercial transaction forwarded to the financial institution system depending on the profile determined by the user can be forwarded from the financial institution system to a selected merchant system depending on the profile determined by the user and the commercial transaction. Nowhere does Hertz describe the financial institution system is coupled to a plurality of merchant systems as claimed.

All rejections have been complied with, and applicant respectfully submits that the application is now in condition for allowance. The applicant urges the Examiner to contact the applicant's attorney at phone and address indicated below if assistance is required to move the present application to allowance. Please charge any shortages in fees in connection with this filing to Deposit Account 50-0749.

Respectfully submitted,
Mitsubishi Electric Research Laboratory Inc.

By: _____


Andrew J. Curtin
Reg. No. 48,485
Attorney for Assignee

Mitsubishi Electric Research Laboratories, Inc.
201 Broadway, 8th Floor
Cambridge MA, 02139
(617) 621-7573